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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,617	07/28/2003	Shinichi Naohara	8014-1066	4320

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/627,617	Applicant(s) NAOHARA ET AL.	
	Examiner Girumsew Wendmagegn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-13 and 15-18 is rejected under 35 U.S.C. 102(b) as being anticipated by Yankowski (patent number US 5,751,672).

Regarding claim 1, 16-17 Yankowski anticipates an apparatus for reproducing and outputting program information, comprising: a reproduction unit which reproduces the program information recorded on a recording medium (see figure 3 element 74 and 78); an output unit which outputs the reproduced program information (see figure 2 element 26, 28 and 32); and a controller which controls the reproducing operation carried out by the reproduction unit (see figure 3 element 68), wherein the controller comprises an image-data registering device which acquires image data from a recording medium on which the program information including the image data is recorded and registers the acquired image data into a memory (see figure 3 element 72), and an image-data outputting device which reads out the image data from the memory and outputs the read-out image data to the output unit in cases where audio data is reproduced from a recording medium on which the program information including the audio data but including no image data is recorded (see figure 3 element 68 and 82).

Regarding claim2 and 18, Yankowski anticipates an apparatus for reproducing and outputting program information, comprising: a storage unit configured to contain a plurality of recording mediums on which program information is recorded (see figure3 element 74); a reproduction unit which reproduces the program information recorded on any one of the plurality of recording mediums (see figure3 element 74 and 78); an output unit which outputs the reproduced program information (see figure2 element 26,28 and 32); and a controller which controls a reproduction operation carried out by the reproduction unit (see figure3 element 68), wherein the controller comprises an image-data registering device which acquires image data from, of the plurality of recording mediums, a recording medium on which the program information including the image data is recorded and registers the acquired image data into a memory (see figure3 element 72), and an image-data outputting device which reads out the image data from the memory and outputs the read-out image data to the output unit in cases where audio data is reproduced from, of the plurality of recording mediums, a recording medium on which the program information including the audio data but including no image data is recorded (see figure3 element 68 and 82).

Regarding claim3, Yankowski anticipates the apparatus according to claim1, wherein the image-data registering device acquires the image data at random from the recording medium including the image data in the program information (see figure8 steps 320 and 322).

Regarding claim 4, Yankowski anticipates the apparatus according to claim 2, wherein the image-data registering device acquires the image data at random from the recording medium including the image data in the program information (see figure 8 steps 320 and 322).

Regarding claim 5, Yankowski anticipates the apparatus according to claim 1, further comprising an input unit for accepting a selection instruction from a user, wherein the image-data registering device provides the user with the acquired image data by way of the output unit, prompts the user to select one or more image data among the provided image data, and registers into the memory the image data selected by way of the input unit operated by the user (see column 12 line 30-38).

Regarding claim 6, Yankowski anticipates the apparatus according to claim 2, further comprising an input unit for accepting a selection instruction from a user, wherein the image-data registering device provides the user with the acquired image data by way of the output unit, prompts the user to select one or more image data among the provided image data, and registers into the memory the image data selected by way of the input unit operated by the user (see column 12 line 30-38).

Regarding claim 7, Yankowski anticipates the apparatus according to claim 1, further comprising an input unit for accepting a selection instruction from a user, wherein the image-data registering device provides the user with the acquired image

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data by way of the output unit in cases where a plurality of image data have been acquired from any one recording medium to be recorded on the memory, prompts the user to select image data to be representative among the provided image data, and registers into the memory the image data selected by way of the input unit operated by the user, the registered image data functioning as representative image data of the one recording medium(see column12 line 30-38 and clumn10 line 34-38).

Regarding claim8, Yankowski anticipates the apparatus according to claim 2, further comprising an input unit for accepting a selection instruction from a user, wherein the image-data registering device provides the user with the acquired image data by way of the output unit in cases where a plurality of image data have been acquired from any one recording medium to be recorded on the memory, prompts the user to select image data to be representative among the provided image data, and registers into the memory the image data selected by way of the input unit operated by the user, the registered image data functioning as representative image data of the one recording medium(see column12 line 30-38 clumn10 line 34-38).

Regarding claim9, Yankowski anticipates the apparatus according to claim 7, wherein the image-data outputting device reads out the registered representative image data from the memory to output the read-out representative image data to the output unit (clumn10 line 34-38).

Regarding claim10, Yankowski anticipates the apparatus according to claim8, wherein the image-data outputting device reads out the registered representative image data from the memory to output the read-out representative image data to the output unit (column10 line 34-38).

Regarding claim11, Yankowski anticipates the apparatus according to claim1, wherein the image-data registering device acquires image data of a still picture in preference to other types of image data (column10 line 34-38).

Regarding claim12, Yankowski anticipates the apparatus according to claim2, wherein the image-data registering device registers into the memory both of the acquired image data and positional information matched with each other, the positional information indicating a storage position of the recording medium on which the acquired image data is recorded (see figure 5 element 174 and 176).

Regarding claim13, Yankowski anticipates the apparatus according to claim12, further comprising a relationship-providing device, which provides to the user a relationship between the image data, recorded on the memory and the storage-positional information of the recording medium by way of the output unit (see figure 5 element 174 and 176).

Regarding claim15, Yankowski anticipates the apparatus according to claim i, wherein the output unit has a display device for displaying image data, wherein the display device displays, as a back ground image, the image data outputted from the image-data outputting device (see figure2 element 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (patent number US 5,751,672) as applied to claim1-13 and 15-18 above, and further in view of Hisamatsu et al (patent Number US 5,768,222).

Regarding claim14, see the teaching of Yankowski. Yankowski does not teach image-data deleting device which deletes the image data from the memory in cases where it is determined by the register determining device that the image data is registered on the memory. However Hisamatsu et al teaches deleting registered information if the medium is ejected (see column23 line58-62).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the deleting registered information as in Hisamatsu et al in to Yankowski apparatus because it would increase available space in the memory.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN US OR CANADA) or 571-272-1000.

Thai Tran

Supervisory Patent Examiner

Girumsew Wendmagegn